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Attorneys for Plaintiff  
 Steven D. Jackson

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

Steven D. Jackson,

Plaintiff,

vs.

Simon Property Group, Incorporated  
 a Delaware corporation and DOES 1-  
 50, Inclusive,

Defendants.

Case No.: C 10-02521 JCS

**STIPULATION AND [PROPOSED]  
 ORDER CHANGING THE HEARING  
 DATE FOR DEFENDANT SIMON  
 PROPERTY GROUP'S SUMMARY  
 JUDGMENT OR, IN THE  
 ALTERNATIVE, PARTIAL SUMMARY  
 JUDGMENT**

Counsel for the parties stipulate and agree that Defendant Simon Property Group, Incorporated's Motion for Summary Judgment or, in the Alternative, for Partial Summary Judgment scheduled for April 29, 2011, at 9:30 a.m. be re-scheduled to May 13, 2011, at 9:30 a.m.

The re-scheduling of the hearing will allow plaintiff's counsel an opportunity to depose defendant's decision-makers for preparation of plaintiff's opposition to defendant's motion. The depositions will occur on March 31 and April 1, 2011, via teleconference with the deponents and their counsel in Indianapolis, Indiana and plaintiff's counsel in San Francisco, California.

In arranging the depositions of defendant's decision-makers, a dispute arose between the parties as to the location and dates for the depositions. The defendant's

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1 decision-makers' work site is at defendant's corporate headquarters in Indianapolis,  
 2 Indiana. Plaintiff had previously set the depositions for March 3 and March 4, 2011;  
 3 and then on March 17 and March 21, 2011, in Hayward, California, to which dates and  
 4 location defendant did not agree. After several meet-and-confer conferences, the  
 5 parties have agreed upon the location and time for the depositions as heretofore stated.

6 In addition, rescheduling the hearing of defendant's motion for summary judgment  
 7 will allow defendant's counsel sufficient time to prepare its reply brief. Defendant's lead  
 8 counsel, William O. Stein, will be in trial in Los Angeles County Superior Court in Koehn  
 9 v. Regency Theatres at the same time defendant's reply is currently due. Koehn was  
 10 initially set for trial on March 8, 2011, but was continued.

11 According, counsel for the parties stipulate and agree that Defendant Simon  
 12 Property, Incorporated's Motion for Summary Judgment or, in the Alternative, for Partial  
 13 Summary Judgment be rescheduled to May 13, 2011, at 9:30 a.m.

14 Dated: March 30, 2011

FRANKLIN EMPLOYMENT LAW GROUP

15 By: /s/ Eugene T. Franklin

16 EUGENE T. FRANKLIN  
 17 BARBARA F. GREEN  
 18 Attorneys For Plaintiff

19 Dated: March 30, 2011

EPSTEIN BECKER & GREEN, P. C.

20 By: /s/ Brooke A. Brown

21 WILLIAM O. STEIN  
 22 Brooke A. Brown  
 23 Attorneys for Defendant

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1 Based on the Stipulation of the parties and GOOD CAUSE appearing:  
2 IT IS ORDERED:

3 That Defendant Simon Property Group, Incorporated's Motion for Summary  
4 Judgment or, in the Alternative, for Partial Summary Judgment scheduled for April 29,  
5 2011, is rescheduled to May <sup>20</sup>~~13~~, 2011, at 9:30 a.m. Plaintiff's opposition shall be e/filed  
6 not later than April 22, 2011, and defendant's reply brief shall be e/filed not later than  
7 April 29, 2011. The further CMC is rescheduled for 5/20/11 at 9:30 a.m.

8 Dated: April 1, 2011

